

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 RICHMOND DIVISION

4 RICHARD WALKER,

5 Plaintiff,

6 v.

CIVIL ACTION NO.
3:20-cv-773

7 ALLIANCE OUTDOOR GROUP, INC.,
8 and
9 ALLIANCE OUTDOORS PRODUCTS, INC.,
d/b/a X-STAND TREESTANDS,

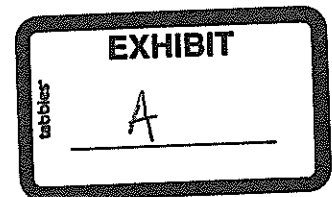
10 Defendants.

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15 VIDEOTAPED

16 DEPOSITION UPON ORAL EXAMINATION
17 OF ALLIANCE OUTDOOR GROUP, INC., BY AND THROUGH
18 ROBERT MEYER,
19 TAKEN ON BEHALF OF THE PLAINTIFF

20 Lakeville, Minnesota

21 May 5, 2021



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24 KATHLEEN BEARD ADAMS, CCR, RPR, CRR

25 Court Reporter

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| <p style="text-align: right;">Page 25</p> <p>1 you know, a bunch of steel; you'd have to connect</p> <p>2 that door to the existing building and make it all</p> <p>3 structurally sound and everything. And -- and a lot</p> <p>4 of that didn't have blueprints. It was on-the-job</p> <p>5 engineering and things like that.</p> <p>6 Q. Got you. I got you. So, it was more</p> <p>7 than assembling; you would actually sort of alter</p> <p>8 the doors somewhat to -- to fit the local -- to fit</p> <p>9 the local situation?</p> <p>10 A. Yeah. Not -- not in all cases, but, you</p> <p>11 know, part of the time, 30 percent maybe, something</p> <p>12 like that.</p> <p>13 Q. Okay. And did that ever involve high</p> <p>14 heat?</p> <p>15 A. I'm not sure what you mean by that.</p> <p>16 Q. Sure. Fair enough. It's a bad</p> <p>17 question.</p> <p>18 Did you ever -- did that ever involve</p> <p>19 any sort of welding work?</p> <p>20 A. Yeah.</p> <p>21 Q. Okay. And were you doing that welding</p> <p>22 work?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So, you have some on --</p> <p>25 on-the-job experience with metallurgy; is that fair</p> | <p style="text-align: right;">Page 27</p> <p>1 is it fair to say that -- that these drawings apply</p> <p>2 to the product that was manufactured in 2017?</p> <p>3 A. I would assume.</p> <p>4 Q. Okay. So, I notice that part of it is</p> <p>5 in -- in Chinese. Do you know why there's a portion</p> <p>6 of -- of these documentation -- whether there's a</p> <p>7 portion of this in Chinese?</p> <p>8 A. Do I know why some of it is in Chinese?</p> <p>9 Q. Yes, sir.</p> <p>10 A. I would assume so the Chinese factory</p> <p>11 employees can read it.</p> <p>12 Q. Okay. Do you know if this -- this</p> <p>13 design blueprint was actually produced in China?</p> <p>14 That is, did the documents that we're looking at now</p> <p>15 -- were they actually -- do we know if they were</p> <p>16 originally produced in China?</p> <p>17 A. I do not know.</p> <p>18 MR. SPINELLI: Okay. Take a look at the</p> <p>19 entire document. Move us through. If we could --</p> <p>20 if we could just sort of scroll -- scroll slowly</p> <p>21 through the next few pages on this.</p> <p>22 BY MR. SPINELLI:</p> <p>23 Q. Do you see any note -- notice or</p> <p>24 documentation on there with any requirements as to</p> <p>25 the strength of the product used?</p> |
| <p style="text-align: right;">Page 26</p> <p>1 to say?</p> <p>2 A. With -- yeah. With welding I would say,</p> <p>3 yeah.</p> <p>4 MR. SPINELLI: Okay. So, let's go ahead</p> <p>5 and address the -- the design modifications that</p> <p>6 were done. And if I can get us to take a look,</p> <p>7 please, at -- these pages are going to start on</p> <p>8 number 6. Okay. Thanks.</p> <p>9 BY MR. SPINELLI:</p> <p>10 Q. Do you rec -- do you recognize -- do you</p> <p>11 recognize what this is?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay. What am I looking at here?</p> <p>14 A. It looks like a general drawing for --</p> <p>15 for the -- the treestand.</p> <p>16 Q. Okay. Do you know who did this drawing?</p> <p>17 A. I do not.</p> <p>18 Q. Okay. Do you see the date there at the</p> <p>19 bottom?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 A. I believe that's a date, yeah.</p> <p>23 Q. And -- and what does the date say?</p> <p>24 A. It says 7/26/2017.</p> <p>25 Q. Okay. Okay. So, is it fair to -- is --</p> | <p style="text-align: right;">Page 28</p> <p>1 A. It -- it's hard for me to answer that.</p> <p>2 You know, a lot of it is in Chinese. I -- I don't</p> <p>3 know what it says.</p> <p>4 Q. Okay. So, it may be there, but it's not</p> <p>5 in anything that you can read, right, unless you</p> <p>6 know Chinese?</p> <p>7 A. Yeah.</p> <p>8 Q. Okay. How was it determined who would</p> <p>9 do the manufacturing of the -- of the actual stand?</p> <p>10 A. I -- I believe that was a -- a decision</p> <p>11 by Tony Overbaugh and -- and Top DMS, our agent.</p> <p>12 Q. And -- and -- Tony Overbaugh and who</p> <p>13 else?</p> <p>14 A. And our agent, Top DMS.</p> <p>15 Q. Okay. Agent at where? Agent at where?</p> <p>16 A. Their name is Top DMS. They're the same</p> <p>17 ones that -- that you presented with -- with Keith.</p> <p>18 You know, he told you about the broken washers,</p> <p>19 things like that.</p> <p>20 Q. Okay. So, with Cap TMS; is that what</p> <p>21 you said?</p> <p>22 A. No. Top.</p> <p>23 Q. Can you spell it?</p> <p>24 A. T-O-P.</p> <p>25 Q. I'm sorry. Okay. I -- I -- right.</p> |

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| <p style="text-align: right;">Page 37</p> <p>1 2017, the stand itself.</p> <p>2 MR. SPINELLI: Uh-huh.</p> <p>3 MR. SUTTON: And this is what we got</p> <p>4 back from them.</p> <p>5 MR. SPINELLI: I'm sorry. You -- you</p> <p>6 trailed off there, Barry.</p> <p>7 MR. SUTTON: And -- and this is what we</p> <p>8 got back from them, and we're not familiar with any</p> <p>9 -- with any changes in the interim.</p> <p>10 MR. SPINELLI: Okay. So, let me just</p> <p>11 get an answer directly from the -- I appreciate</p> <p>12 that. That's helpful. Thank you. Let me -- let me</p> <p>13 get an answer directly from the -- from the deponent</p> <p>14 on -- on that point.</p> <p>15 BY MR. SPINELLI:</p> <p>16 Q. So, the -- the question then again was,</p> <p>17 why did you give us drawings of a treestand from</p> <p>18 2017 when we should really be looking at designs</p> <p>19 from 2015 or -- or earlier?</p> <p>20 A. I would say because I'm not a hundred</p> <p>21 percent positive that this is not the same drawing</p> <p>22 as the 2015 model.</p> <p>23 Q. Okay. So, where is the design drawing</p> <p>24 dated to 2015? You've indicated you agree with me</p> <p>25 that this is 2017, so, where is -- where is the one</p> | <p style="text-align: right;">Page 39</p> <p>1 I believe he's working for a competitor, Trophy</p> <p>2 Treestands.</p> <p>3 Q. I see. I see. Okay. Thank you.</p> <p>4 So, did you -- did you -- did you ever</p> <p>5 speak with Tony -- Tony Overbaugh about securing</p> <p>6 drawings from earlier than 2017 on this model?</p> <p>7 A. I did not. That was Keith Edberg that</p> <p>8 -- that was in contact with Tony.</p> <p>9 Q. Okay. Do you know if we ever had any</p> <p>10 designs of this product dating from 2015 or earlier?</p> <p>11 A. I'm unsure.</p> <p>12 Q. Okay. To your knowledge, does -- does</p> <p>13 Alliance Outdoor Group often manufacture and</p> <p>14 distribute products without -- with -- without</p> <p>15 having a blueprint drawn up or prepared?</p> <p>16 A. Do we manufacture without blueprints?</p> <p>17 Q. Yes, sir.</p> <p>18 A. Well, there's always blueprints.</p> <p>19 Q. Okay. So, to your knowledge, Alliance</p> <p>20 Outdoor Group does not produce or have manufactured</p> <p>21 a product without having blueprints of that product</p> <p>22 drawn up first?</p> <p>23 A. To my knowledge, yes.</p> <p>24 Q. Okay. So, by implication there should</p> <p>25 be some blueprints drawn up dating to 2013 when this</p> |
| <p style="text-align: right;">Page 38</p> <p>1 from 2015?</p> <p>2 A. I'm still trying to gather it with</p> <p>3 either Top DMS or Tony Overbaugh.</p> <p>4 Q. Okay. So, Tony Overbaugh is still --</p> <p>5 he's -- he's still with the company; correct?</p> <p>6 A. No. I'm -- I'm -- I think you're a</p> <p>7 little confused. There's some times you say Tony</p> <p>8 Overbaugh, some times you say Tony Overby. This</p> <p>9 is --</p> <p>10 Q. Yes.</p> <p>11 A. -- all the same person.</p> <p>12 Q. Thank you. Okay.</p> <p>13 A. Yeah. Sorry.</p> <p>14 Q. So, what -- what should it be; Ton --</p> <p>15 Tony Overby or Tony Overbaugh?</p> <p>16 A. Overbaugh.</p> <p>17 Q. Thank you.</p> <p>18 A. I have a north -- northern accent, I</p> <p>19 think.</p> <p>20 Q. I got you. So, thank you for that.</p> <p>21 Is -- and, so, but -- but Tony Overbaugh</p> <p>22 is still an employee; right?</p> <p>23 A. No. No.</p> <p>24 Q. Okay.</p> <p>25 A. He's -- I mentioned before that he's --</p> | <p style="text-align: right;">Page 40</p> <p>1 product was first manufactured; right?</p> <p>2 A. Yeah. Yeah.</p> <p>3 Q. Okay. So, these blueprints would not</p> <p>4 just be stored with one individual subject to his</p> <p>5 departure from the company typically, would -- would</p> <p>6 they?</p> <p>7 A. It's -- I would say it's possible.</p> <p>8 Q. Okay.</p> <p>9 A. Well, this was -- no. Never mind.</p> <p>10 Forget it.</p> <p>11 Q. Is -- you have a -- you have a shared</p> <p>12 data system of some sort at Alliance Outdoor Group;</p> <p>13 right? Shared files?</p> <p>14 A. Yeah, now we do. I mean, back in 2015</p> <p>15 things like that -- it wasn't as common.</p> <p>16 Q. Okay. So, back at -- back at that time</p> <p>17 people would have their -- certain things relevant</p> <p>18 to products stored on -- on -- on their individual</p> <p>19 computers, but -- but not shared to some shared</p> <p>20 collective system; is that right?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay. Okay. So, moving to -- let's</p> <p>23 take a look at, yeah, design modifications since the</p> <p>24 X-Stand model was first manufactured. Okay. What</p> <p>25 changes have taken place with the model between the</p> |

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| <p style="text-align: right;">Page 41</p> <p>1 time when it was first manufactured in 2013 to 2 today?</p> <p>3 A. Sorry about that.</p> <p>4 Q. Sure.</p> <p>5 A. The modification is on the -- on the 6 arms. I don't know if you can scroll down to see 7 the picture at all. It might be a little easier to 8 describe.</p> <p>9 Q. Okay. Describe it for me. That's fine. 10 That works.</p> <p>11 A. Okay. You know, on the -- on the seat 12 platform, foot platform, there's the -- the arms 13 that can rotate and pivot. The -- the tubing 14 thickness of the -- of the pipe where the bolt goes 15 through -- they -- they increased the size of -- of 16 the pipe where the bolt goes through, just like the 17 -- the wall thickness of it, so, it's a bigger 18 diameter. And then because they did that, then the 19 tubing that goes up and that creates the arm itself 20 is all a bigger diameter because they wanted it to 21 match and be able to be manufactured easier, you 22 know, with them all matching the same -- same 23 diameter. So, they changed that.</p> <p>24 And then basically what that did is 25 because the -- the tubing on the arms are -- are</p> | <p style="text-align: right;">Page 43</p> <p>1 So, if you look at the -- the seat section, so, the 2 top part --</p> <p>3 Q. Yeah.</p> <p>4 A. -- the arms -- so, the way that they 5 attach to the -- to the seat platform is there's 6 bolts that go through a pipe. And then where that 7 pipe is, that was -- that was made with the larger 8 -- larger -- sorry -- a thicker wall on that pipe. 9 So, because that pipe became bigger with a -- a 10 larger outside diameter, then the tubing in the arms 11 was all increased to match. And then because the 12 tubing is larger than the inside of that, so, the 13 tubing became bigger also. That's where we used a 14 -- a -- a slightly thicker plastic coating.</p> <p>15 Q. Got you. Okay. So, did that alter any 16 aspect of the cable?</p> <p>17 A. The -- the only thing it did was made a 18 -- a slightly thicker plastic coating over the 19 cable.</p> <p>20 Q. Okay. Okay. All right. And when did 21 this change take place?</p> <p>22 A. It would have been when we changed to a 23 new factory. It's on your list there. I don't 24 really recall the date. I saw it -- I saw it 25 earlier.</p> |
| <p style="text-align: right;">Page 42</p> <p>1 bigger, that the -- the inside diameter where the 2 cable goes into is slightly larger. So, they ended 3 up putting a thicker plastic coating over the cable. 4 And that's the changes.</p> <p>5 Q. Okay.</p> <p>6 A. You know, the thicker plastic cable -- 7 all that is doing is because the -- the -- the tube 8 itself on the inside is larger, so, the -- the 9 plastic diameter or the -- sorry, not the 10 diameter -- the plastic coating is just a little bit 11 thicker to help make it a snug fit instead of being 12 real loose and floppy.</p> <p>13 Q. Okay. Okay. Thank you.</p> <p>14 When you say the tube, are -- do you 15 mean the -- the cable assembly?</p> <p>16 A. No.</p> <p>17 Q. Okay. So...</p> <p>18 A. If -- if you could draw to the drawing, 19 I -- I can point it out quite a bit better.</p> <p>20 Q. Sure. Did you have -- the -- the -- the 21 drawing model. All right. Let's see if we can do 22 that. Can we go back up to the -- the top one and 23 let's just sort of move down. And if you could tell 24 me where -- where to stop.</p> <p>25 A. Maybe just the -- yeah. This is fine.</p> | <p style="text-align: right;">Page 44</p> <p>1 Q. Would it have been before or after the 2 recall event, which was in August of 2020?</p> <p>3 A. Before.</p> <p>4 Q. Okay. It would have been after the -- 5 the events at issue here -- after the injury 6 occurred to Mr. Walker, which was in, I believe, 7 2018?</p> <p>8 A. Say that again.</p> <p>9 Q. It -- it was sometime between 2018 and 10 20 -- 2020?</p> <p>11 A. Yes.</p> <p>12 MR. SPINELLI: Okay. Okay. And can we 13 drop down so we can put on the record what page we 14 were looking at when we had that discussion? That 15 -- that would have been page 6. Okay. Okay.</p> <p>16 BY MR. SPINELLI:</p> <p>17 Q. So, with those changes that were 18 implemented did that generate any new blueprints?</p> <p>19 A. I would assume, yes.</p> <p>20 Q. Okay.</p> <p>21 A. But --</p> <p>22 Q. Go ahead.</p> <p>23 A. What I was -- I was going to say is we 24 started working with the new factory, which in 25 return they would have -- they would have created</p> |